

**From:** Joshua Chamas  
**To:** Microsoft ATR  
**Date:** 12/3/01 12:32am  
**Subject:** Settlement is a bad idea

Hi,

I saw this email address to whom I could write my opinion of the Microsoft settlement.

I am an entrepreneur & software developer of 4 years, and have used & own microsoft windows products: server NT, desktop Windows 95; and used competing unix products like Solaris & Linux. As a web developer, I believe the way in which Microsoft crushed Netscape through its OEM bundling practice really hurt the progress of computing as a whole, and I feel that the settlement idea that tries to value the overcharging of Microsoft products is not getting at the crux of the problem ... that Microsoft had used its monopoly powers to crush competing technologies, and significant penalties need to be levied with the possibility of restructuring to make sure it never happens again.

Microsoft has a desktop monopoly and does everything it can to make sure that it remains in this position. As a web developer, I cannot tell you the pains it has caused application development that Microsoft ended up beating out Netscape as the browser of choice. See, what Microsoft does it once it gets a significant foothold in a technology, it warps that technology until developers have to do it the Microsoft way ... on this one project in particular where the development costs exceeded \$200,000 in a year, I would estimate that 20% of the time we were resolving web browser incompatibilities. Had Microsoft not become the majority browser, they would have had to remain more compatible with Netscape & there would have been little burden on web application developers.

And I was only talking about HTML rendering issues, we were not even using Java, which Microsoft also screwed up. Do you begin to see my point? Any estimate of the damage that Microsoft has caused consumers & business through its monopolistic practices cannot hardly be estimated by anyone. Will the \$40,000 that my consulting client got charged just to make their web application cross-browser compatible be factored into the Microsoft damages? I doubt it. The effect that Microsoft has on the industry is to raise the barriers to competition by breaking competing standards that exist that could use other technologies that Microsoft cannot license. In this way, web & software development costs increase as standards ( like HTML & Java ) get fractured.

Please do something punitive & significant to Microsoft to make sure this does not happen again. I would recommend that large penalties

be assessed, rules against bundling be set up and enforced, and a possible restructuring that would keep Microsoft the operating system business separate from other Microsoft businesses.

To prevent bundling, I would suggest Microsoft be forced to offer especially to OEMs the opportunity to select which parts of the OS they want to install like Media Player, Disk Defragmenter, Web Browser, etc. For every piece that an OEM excludes from a distribution, there should be a real & significant price reduction in the OEM version of the software, to allow other companies to compete for that software business.

For example, to not bundle IE, perhaps an OEM like Dell would save \$10, and be able to pass those savings on to the consumer. Dell would be able to install AOL or Netscape for the consumer ( or other browser like Opera ), at possible price savings ... if Netscape had been able to continue to sell their browser to OEMs, it may be that Netscape would still be the dominant player in the browser market with superior technology ... who knows the difference this would have made to the development of the internet as a whole?

Thank you for taking the time to hear my arguments. I hope that this letter actually got to someone?!

Regards,

Josh

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